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UNCLAS SECTION 01 OF 03 MANILA 002660

SIPDIS

SENSITIVE

STATE FOR EAP/PMBS; G; G/TIP - NORIN, ETERNO; EAP/RSP - SU; INL; DRL/IL; DRL/CRA; STAS - ATKINSON

E.O. 12958: N/A

TAGS: PHUM PGOV KCRM ELAB KOCI TINT RP
SUBJECT: TIP: GRP BEGINNING TO FOCUS ON CYBERSEX DANGERS

REF: A. MANILA 2200

- 1B. MANILA 971
- C. MANILA 702
- ¶D. MANILA 607
- (U) This cable is Sensitive but Unclassified -- Please handle accordingly.
- 12. (SBU) Summary: The Philippine government is slowly beginning to react to reports that cybersex is an increasing contributor to the trafficking in persons (TIP) problem in the Philippines. Most cybersex dens operate clandestinely and appear to have foreign connections. Cybersex operators victimize young people for easy profits paid by viewers, the vast majority of whom are overseas. The Philippines does not have a specific law dealing with TIP-related cybersex, but a range of laws can be deployed to deal with aspects of the problem. Some lawmakers are moving forward with possible legislation against cybersex in the wider context of child pornography. Mission will continue to monitor this growing phenomenon and will work with NGOs to develop targeted proposals focused on fighting TIP-related cybersex. End Summary.

A Spike in Growth

- ¶3. (SBU) The phenomenon of cybersex, wherein paying "customers" order "performers" to engage in sexual acts in real time over secure Internet connections, is a growing sector of the TIP problem in the Philippines. Filipinos are particularly vulnerable due to readily available technology and local computer expertise, pervasive poverty, and the difficulty of detection due to lax law enforcement. Given that cybersex dens are mainly clandestine, there are no reliable estimates of the exact nature of the problem, but our contacts assert unanimously that the numbers of dens and victims are increasing. All estimates are informal, with police giving the lowest at 50 to 75 dens nationwide. Sources assert that the industry is earning millions of dollars annually. According to resident Amcit and longtime anti-TIP activist Father James Reuter, Jr., cybersex is "growing like weeds in all parts of the Philippines." GRP's Philippine Center for Transnational Crime, Chief Inspector Erry Nanette M. Tomas echoed the comments of NGO leaders, informing poloff that dens are "mushrooming" throughout the archipelago. According to Senator Maria Ana Consuelo "Jamby" Madrigal, the Philippines is "ripe" for the for the advent of the cybersex industry because the country is already one of the world's largest producers of pornography.
- 14. (SBU) According to Forough Foyouzat, Chief of Child Protection at UNICEF (Philippines), Australians, Europeans and Americans operate most of the cybersex dens, usually in partnership with Filipinos. Many of the dens operate under cover of legitimate Internet cafes, but others are in red light districts, and some are even in private homes and offices. Cybersex operators, like other traffickers, often recruit "performers" from poverty-stricken rural areas. Man recruit "performers" from poverty-stricken rural areas. Many of the those recruited are under 20 and some are minors. Operators also troll Internet chat rooms frequented by young people and students from schools located in Manila and other metropolitan areas. The large number of unemployed/underemployed English-speaking youths that make the Philippines a prime locale for the successful call center industry (Ref C) is also an attraction to cybersex den operators who are looking for a place to locate their operations.
- (U) In this new form of on-line commercial sex, the customer, nearly always a male living outside the Philippines, typically charges at least USD 2 per minute to his credit card to watch one or more victims act on his orders. Operators pressure and reward performers to sustain viewers' interest for as long as possible. Performers rarely make more than USD 4 per day and work conditions are poor.
 Many observers and some victims consider cybersex a relatively anodyne source of income, however. Prostitutes often prefer cybersex to their traditional trade due to its

higher pay, convenience and relative safety. Prositutes, for example, have noted to NGO workers the impossibility of contracting sexually transmitted diseases in cybersex "encounters" and, due to time zone differences, the days and, due to time zone differences, the daytime work schedules are attractive. Nonetheless, there is evidence that performers who are above the age of consent are lured into the trade and then coerced to stay in the dens. (U) Some customers often prefer to exploit minors. parents have little understanding of the technology and are therefore less able to detect the abuse. Other parents are complicit with operators and maintain that the absence of physical contact belies any purported harm to the child. There are no estimates of hte numbers of child victims.

Current State of GRP Law

(U) Philippine law does not yet specifically address TIP-related cybersex and we are not aware of any convictions of den operators. Contacts have told us that prosecutors can use the following existing statutes against alleged operators of cybersex dens if certain circumstances are met:

- -- Article 201 of the Revised Penal Code prescribes fines of up to 12,000 pesos (USD 223) and six to 12 years imprisonment for "exhibition of indecent shows." This law penalizes victims and pornographers, but has no provision for customers.
- -- Republic Act (R.A.) 7610, the Child Abuse law, provides up to 12 years imprisonment for those who "hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether they are live or on video.
- -- R.A. 8042, the Anti-Illegal Recruitment law, provides fines of 1 million pesos (USD 18,519) and life imprisonment for the illegal recruitment of minors.
- -- R.A. 8792, the Electronic Commerce law of 2000, covers 10 types of computer crimes, although it is silent on cybersex.
- -- R.A. 9208, the Anti-Trafficking law, provides punishment of up to 20 years imprisonment for those who promote "indecent shows, information technology, or by whater means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person primarily for sexual purposes." This is the most comprehensive and relevant law enacted since the advent of the Internet, but most prosecutors are still unfamiliar with
- -- R.A. 9321, the Anti-Child Labor law, prohibits most employment of children below 15 and guarantees the protection, health and safety of child workers (Ref B, para
- (U) Legislators are beginning to speak out about the Lem. Senators Madrigal and Ramon "Bong" Revilla, Jr. are problem. sponsoring hearings on child pornography, for example.

 Madrigal confirmed to poloff June 6 that she plans to sponsor new legislation that would deal specifically with TIP-related cybersex in the context of forbidding the possession of any form of child pornography. Madrigal was not optimistic, however, about the GRP's capacity to implement even existing laws, commenting that: "No matter how well the police do their jobs, nothing happens due to lack of law enforcement capabilities and the slowness of the judiciary." House side, Representative Joseph Santiago has drafted a bill imposing up to 15 years of imprisonment for cybersex den operators.

The GRP's Nascent Efforts

- 19. (SBU) As flagged above, the GRP is having difficulty grappling with cybersex and its TIP-related aspects, though it is aware of the growing problem and has pledged to take action. The Inter-Agency Council Against Trafficking -- the highest GRP body dealing with trafficking -- has not yet taken any specific moves to deal with cybersex. The Interagency Council for the Welfare of Children is aware of the problem, but also has not yet taken any concrete actions. The Department of Social Welfare and Development has integrated anti-pornography education into its child protection strategy, however.
- (SBU) The Presidential Anti-Illegal Recruitment Task Force (PAIRTF) has pursued cybersex operators more vigorously than any other GRP agency. On May 25, PAIRTF agents, acting on a warrant, raided two cybersex dens in Quezon City, in Metro Manila. The PAIRTF team rescued seven women, arrested two Filipinos, and killed the two Dutch proprietors, who allegedly drew guns on the PAIRTF team. Despite these actions, law enforcement has generally not been able to keep

pace with the problem. Operators can readily adopt the latest hardware and now even use encryption. At the same time, austere budgets, lack of training, and corruption constrain the police. There are indications, for example, but no hard evidence, that local government officials in some regions may be protecting dens and profiting from them. Efren Meneses, Head of the Anti-Fraud and Computer Crimes Division of the National Bureau of Investigation, laments his office's lack of both computers and cooperation from Internet service providers. Few lawyers and police officers are familiar with procedures for electronic evidence. Some local governments have taken the initiative to fight the problem. For example, the government in Isabela Province located northeast of Manila has formed an interagency group to address cybersex issues.

Comment

111. (SBU) All of our contacts agree that cybersex is widespread and growing. Officials realize that cybersex den operators currently have the upper hand and that cybersex is a contributing factor in TIP. As the GRP tries to deal with the problem, the most critical areas where improvement is needed include: enhanced training for police, prosecutors and judges; a specific law that prosecutors can apply to TIP-related scenarios; collection of statistics so the scope of the problem can be assessed and progress against it examined via metrics; and increased assistance to victims. The GRP and NGOs already operate anti-TIP programs and would welcome assistance to fight cybersex. Philippine NGOs are willing and, given the necessary funding, would be able to assist the GRP in this area (Ref A). Mission will continue to monitor this growing phenomenon and will work with NGOs to develop targeted proposals focused on fighting TIP-related Mission is also providing Filipinos information on the U.S. PROTECT Act of 2003, which strengthens U.S. law enforcement's ability to prevent, investigate, prosecute and punish violent crimes committed against children, including those that involve U.S. citizens and have an international nexus.

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